THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.14824 of 2003

Dated :11.07.2007

Between:

M/s.Sri Venkatabalaji Jute Mills Pvt.Ltd,
Amadalavalasa, Srikakulam District,
rep. by its Managing Director, G.Ch.Venkata Raju.

..... PETITIONER

And:

The District Collector, Srikakulam District and others.

.....RESPONDENTS

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WRIT PETITION No.14824 of 2003

ORDER:

Petitioner is the lincecee under the provisions of Andhra Pradesh Petroleum Products Order 1980, for purchasing and 2000 liters of kerosene. On 10.06.2003 the Civil Supplies authorities inspected the factory premises of the petitioner and found 6,050 liters of white kerosene and 1,050 liters of blue kerosene in the premises, and they seized the kerosene under cover of Panchanama dated 10.06.2003, on the ground that petitioner has stored the same in contravention of control orders. Thereafter, the second respondent, by his letter dated 28.06.2003, alleged to have directed the fourth respondent to dispose of the stocks seized through public distribution system as per the rates fixed by the Government. Aggrieved thereby, this writ petition is filed.

This Court cannot go into the aspect as to whether the seizure is illegal or arbitrary because Section 6-A of the Essential Commodities Act (for short "the Act") provides for an enquiry by the Collector against

the seizure of essential commodities. Hence, this Court is of the view that this writ petition deserves no consideration. However, as this Court granted an interim order directing the respondents to release the stocks seized, on the petitioner furnishing bank guarantee, the bank guarantee shall be continued pending disposal of the enquiry under Section 6-A of the Act, and if the enquiry is decided in favour of the petitioner, the bank guarantee furnished by the petitioner shall be returned to it.

With the above observation, the writ petition is disposed of. There shall be no order as to costs.

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11.07.2007